



General Assembly

January Session, 2003

***Raised Bill No. 1071***

LCO No. 3759

Referred to Committee on Planning and Development

Introduced by:  
(PD )

***AN ACT CONCERNING PLANNING AND ZONING.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. Section 8-11a of the general statutes is repealed and the  
2       following is substituted in lieu thereof (*Effective October 1, 2003*):

3       No person may serve as zoning enforcement officer in any  
4       municipality [wherein he] in which such person is a member of the  
5       zoning board of appeals.

6       Sec. 2. Section 8-25 of the general statutes is repealed and the  
7       following is substituted in lieu thereof (*Effective October 1, 2003*):

8       (a) (1) No subdivision of land shall be made until a plan for such  
9       subdivision has been approved by the commission. Any person, firm  
10      or corporation making any subdivision of land without the approval of  
11      the commission shall be fined not more than five hundred dollars for  
12      each lot sold or offered for sale or so subdivided. Any plan for  
13      subdivision shall, upon approval, or when taken as approved by  
14      reason of the failure of the commission to act, be filed or recorded by  
15      the applicant in the office of the town clerk within ninety days of the

16 expiration of the appeal period under section 8-8, or in the case of an  
17 appeal, within ninety days of the termination of such appeal by  
18 dismissal, withdrawal or judgment in favor of the applicant but, if it is  
19 a plan for subdivision wholly or partially within a district, it shall be  
20 filed in the offices of both the district clerk and the town clerk, and any  
21 plan not so filed or recorded within the prescribed time shall become  
22 null and void, except that the commission may extend the time for  
23 such filing for two additional periods of ninety days and the plan shall  
24 remain valid until the expiration of such extended time. All such plans  
25 shall be delivered to the applicant for filing or recording not more than  
26 thirty days after the time for taking an appeal from the action of the  
27 commission has elapsed or not more than thirty days after the date  
28 that plans modified in accordance with the commission's approval and  
29 that comply with section 7-31 are delivered to the commission,  
30 whichever is later, and in the event of an appeal, not more than thirty  
31 days after the termination of such appeal by dismissal, withdrawal or  
32 judgment in favor of the applicant or not more than thirty days after  
33 the date that plans modified in accordance with the commission's  
34 approval and that comply with section 7-31 are delivered to the  
35 commission, whichever is later. No such plan shall be recorded or filed  
36 by the town clerk or district clerk or other officer authorized to record  
37 or file plans until its approval has been endorsed thereon by the  
38 chairman or secretary of the commission, and the filing or recording of  
39 a subdivision plan without such approval shall be void. Before  
40 exercising the powers granted in this section, the commission shall  
41 adopt regulations covering the subdivision of land. No such  
42 regulations shall become effective until after a public hearing, notice of  
43 the time, place and purpose of which shall be given by publication in a  
44 newspaper of general circulation in the municipality at least twice, at  
45 intervals of not less than two days, the first not more than fifteen days  
46 nor less than ten days, and the last not less than two days prior to the  
47 date of such hearing.

48       (2) Such regulations shall provide that the land to be subdivided  
49 shall be of such character that it can be used for building purposes

50 without danger to health or the public safety, that proper provision  
51 shall be made for water, sewerage and drainage, including the  
52 upgrading of any downstream ditch, culvert or other drainage  
53 structure which, through the introduction of additional drainage due  
54 to such subdivision, becomes undersized and creates the potential for  
55 flooding on a state highway, and, in areas contiguous to brooks, rivers  
56 or other bodies of water subject to flooding, including tidal flooding,  
57 that proper provision shall be made for protective flood control  
58 measures and that the proposed streets are in harmony with existing  
59 or proposed principal thoroughfares shown in the plan of conservation  
60 and development as described in section 8-23, especially in regard to  
61 safe intersections with such thoroughfares, and so arranged and of  
62 such width, as to provide an adequate and convenient system for  
63 present and prospective traffic needs. Such regulations shall also  
64 provide that the commission may require the provision of open spaces,  
65 parks and playgrounds when, and in places, deemed proper by the  
66 planning commission, which open spaces, parks and playgrounds  
67 shall be shown on the subdivision plan. Such regulations may, with  
68 the approval of the commission, authorize the applicant to pay a fee to  
69 the municipality or pay a fee to the municipality and transfer land to  
70 the municipality in lieu of any requirement to provide open spaces.  
71 Such payment or combination of payment and the fair market value of  
72 land transferred shall be equal to not more than ten per cent of the fair  
73 market value of the land to be subdivided prior to the approval of the  
74 subdivision. The fair market value shall be determined by an appraiser  
75 jointly selected by the commission and the applicant. A fraction of  
76 such payment the numerator of which is one and the denominator of  
77 which is the number of approved parcels in the subdivision shall be  
78 made at the time of the sale of each approved parcel of land in the  
79 subdivision and placed in a fund in accordance with the provisions of  
80 section 8-25b. The open space requirements of this section shall not  
81 apply if the transfer of all land in a subdivision of less than five parcels  
82 is to a parent, child, brother, sister, grandparent, grandchild, aunt,  
83 uncle or first cousin for no consideration, or if the subdivision is to

84 contain affordable housing, as defined in section 8-39a, equal to twenty  
85 per cent or more of the total housing to be constructed in such  
86 subdivision. Such regulations, on and after July 1, 1985, shall provide  
87 that proper provision be made for soil erosion and sediment control  
88 pursuant to section 22a-329. Such regulations shall not impose  
89 conditions and requirements on manufactured homes having as their  
90 narrowest dimension twenty-two feet or more and built in accordance  
91 with federal manufactured home construction and safety standards or  
92 on lots containing such manufactured homes which are substantially  
93 different from conditions and requirements imposed on single-family  
94 dwellings and lots containing single-family dwellings. Such  
95 regulations shall not impose conditions and requirements on  
96 developments to be occupied by manufactured homes having as their  
97 narrowest dimension twenty-two feet or more and built in accordance  
98 with federal manufactured home construction and safety standards  
99 which are substantially different from conditions and requirements  
100 imposed on multifamily dwellings, lots containing multifamily  
101 dwellings, cluster developments or planned unit developments. The  
102 commission may also prescribe the extent to which and the manner in  
103 which streets shall be graded and improved and public utilities and  
104 services provided and, in lieu of the completion of such work and  
105 installations previous to the final approval of a plan, the commission  
106 may accept a bond in an amount and with surety and conditions  
107 satisfactory to it securing to the municipality the actual construction,  
108 maintenance and installation of such improvements and utilities  
109 within a period specified in the bond. Such regulations may provide,  
110 in lieu of the completion of the work and installations above referred  
111 to, previous to the final approval of a plan, for an assessment or other  
112 method whereby the municipality is put in an assured position to do  
113 such work and make such installations at the expense of the owners of  
114 the property within the subdivision. Such regulations may provide  
115 that in lieu of either the completion of the work or the furnishing of a  
116 bond as provided in this section, the commission may authorize the  
117 filing of a plan with a conditional approval endorsed thereon. Such

118 approval shall be conditioned on [(1)] (A) the actual construction,  
119 maintenance and installation of any improvements or utilities  
120 prescribed by the commission, or [(2)] (B) the provision of a bond as  
121 provided in this section. Upon the occurrence of either of such events,  
122 the commission shall cause a final approval to be endorsed thereon in  
123 the manner provided by this section. Any such conditional approval  
124 shall lapse five years from the date it is granted, provided the  
125 applicant may apply for and the commission may, in its discretion,  
126 grant a renewal of such conditional approval for an additional period  
127 of five years at the end of any five-year period, except that the  
128 commission may, by regulation, provide for a shorter period of  
129 conditional approval or renewal of such approval. Any person, firm or  
130 corporation who, prior to such final approval, sells or offers for sale  
131 any lot subdivided pursuant to a conditional approval shall be fined  
132 not more than five hundred dollars for each lot sold or offered for sale.

133 (b) The regulations adopted under subdivision (2) of subsection (a)  
134 of this section shall also encourage energy-efficient patterns of  
135 development and land use, the use of solar and other renewable forms  
136 of energy, and energy conservation. The regulations shall require any  
137 person submitting a plan for a subdivision to the commission under  
138 subdivision (2) of subsection (a) of this section to demonstrate to the  
139 commission that such person has considered, in developing the plan,  
140 using passive solar energy techniques which would not significantly  
141 increase the cost of the housing to the buyer, after tax credits, subsidies  
142 and exemptions. As used in this subsection and section 8-2, passive  
143 solar energy techniques mean site design techniques which maximize  
144 solar heat gain, minimize heat loss and provide thermal storage within  
145 a building during the heating season and minimize heat gain and  
146 provide for natural ventilation during the cooling season. The site  
147 design techniques shall include, but not be limited to: (1) House  
148 orientation; (2) street and lot layout; (3) vegetation; (4) natural and  
149 man-made topographical features; and (5) protection of solar access  
150 within the development.

151 (c) The regulations adopted under subdivision (2) of subsection (a)  
152 of this section, may, to the extent consistent with soil types, terrain,  
153 infrastructure capacity and the plan of development for the  
154 community, provide for cluster development, and may provide for  
155 incentives for cluster development such as density bonuses, or may  
156 require cluster development.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>

***PD***      *Joint Favorable*